

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**TERRY DOSS**

**PETITIONER**

**V.**

**NO. 1:08CV215-A-D**

**RAYMOND BYRD, et al.**

**RESPONDENTS**

**FINAL JUDGMENT**

Petitioner filed this matter pursuant to 28 U.S.C. § 2254 challenging his state court conviction. On March 19, 2009, Magistrate Judge Jerry A. Davis recommended that this matter be dismissed with prejudice as untimely.<sup>1</sup> On May 4, 2009, Petitioner filed Objections to the Report and Recommendation. The objections, however, are based on an erroneous interpretation and application of the AEDPA's statute limitation.

Thus, the court finds that Petitioner's arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

(1) Petitioner's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;

(3) the claims are barred by the one-year statute of limitation and are DISMISSED with prejudice; and

(4) this matter is CLOSED.

SO ORDERED, this the 12th day of May, 2009.

/s/ Sharion Aycock  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> There was a typographical error in the Report and Recommendations. Doss' conviction was affirmed by the Mississippi Court of Appeals on December 14, 2004. His conviction, thus, became final fourteen days later on December 28, 2004.